

05-16-01

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
13768.35.25.1.1Total Pages in this Submission  
4**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**SYSTEM AND METHOD FOR MONITORING SERVER PERFORMANCE USING A SERVER**

and invented by:

**Joseph Paul-Emile Pierre Cote; Stephen David Thomas; and Steve Masters**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 09/353,304

Which is a:

☐ **Continuation** ☐ **Divisional** ☒ **Continuation-in-part (CIP)** of prior application No.: 08/682,832

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.:

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 33 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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4

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets 9
- b. ☐ Informal                      Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☒ Newly executed *(original or copy)*                      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney                      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☒ Assignment Papers *(cover sheet & document(s))* ✓
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☒ Information Disclosure Statement/PTO-1449                      ☒ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class    ☒ Express Mail *(Specify Label No.):* EL 569 074 810 US

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*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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13768.35.25.1.1

Total Pages in this Submission  
4

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Additional Enclosures *(please identify below):*

Form PTO-2038 Credit Card Payment Form  
Correspondence Sheet

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
13768.35.25.1.1

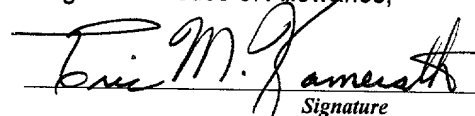
Total Pages in this Submission  
4

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	37	- 20 =	17	x \$18.00	\$306.00
Indep. Claims	5	- 3 =	2	x \$80.00	\$160.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose) Assignment Recordation Fee					\$40.00
TOTAL FILING FEE					\$1,216.00

- ☒ A check in the amount of \$1,216.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
Signature

ERIC M. KAMERATH  
Reg. No. 46,081



022913

Dated: MAY 15, 2001

CC:

PATENT TRADEMARK OFFICE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Joseph Paul-Emile Pierre Cote, et al.**

Docket No.

**13768.35.25.1.1**Serial No.  
**unknown**Filing Date  
**MAY 15, 2001**Examiner  
**unknown**Group Art Unit  
**unknown**Invention: **SYSTEM AND METHOD FOR MONITORING SERVER PERFORMANCE USING A SERVER**I hereby certify that this Utility Patent Application and related documents \*

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on MAY 15, 2001  
(Date)JoLin Johnson

(Typed or Printed Name of Person Mailing Correspondence)

  
(Signature of Person Mailing Correspondence)EL 569 074 810 US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

- \*  
Utility Patent (33 pgs)  
Formal Drawings (9 sheets)  
Transmittal Letter (4 pgs, in triplicate)  
Form PTO-2038 Credit Card Payment Form (1 pg)  
Correspondence Sheet (1 pg)  
Declaration, Power of Attorney, and Petition (4 pgs)  
Assignment with Form PTO-1595 Recordation Cover Sheet (5 pgs)  
Transmittal for Information Disclosure Statement  
(2 pgs, in triplicate)  
Information Disclosure Statement (3 pgs)  
Form PTO-1449 Listing Cited References (3 pgs)  
Legible Copies of previously submitted Information Disclosure Statement (4 pgs);  
Certificate of Express Mail Label EL 569 074 810 US  
Postcard